

In the District Court of the United States

For the Western District of New York

*Handed up
6-8-89 @ 2:15 pm*

THE UNITED STATES OF AMERICA

-vs-

DAVID C. MADAY,
DONALD SHERIN
AND MALE VIEWS, LTD.
a/k/a M. V. Publications
a/k/a K & J Collectors

SEPTEMBER 1988 SESSION Term
(Impanelled 9/19/88)
THIRD SUPERSEDING INDICTMENT
No. CR88-145-E

Vio. Title 18, United
States Code,
Sections 371,
1461, 2252 and
2

COUNT I

The Grand Jury Charges:

1. From on or about October 7, 1980 until on or about February 18, 1986, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly combine, conspire, confederate and agree to commit offenses against the United States, that is, to violate Title 18, United States Code, Section 2252 and Title 18, United States Code, Section 1461 and 2 in that they knowingly used the mails and caused the mails to be used to send visual depictions, i.e., magazines and photographs, the producing of such visual depictions involved the use of minors engaging in sexually explicit conduct

and said visual depictions were of such conduct, while the defendants had knowledge as to the nature and character of such visual depictions and the mails were further used or caused to be used for the mailing, carriage in the mails and delivery of non-mailable matter, i.e., obscene magazines and photographs of which the defendants had knowledge as to the nature and character of the material.

2. It was a part of the conspiracy that the defendants, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did distribute sexually explicit advertisements in order to facilitate their business.

3. It was a further part of the conspiracy that the defendants, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, would specifically seek agreements from prospective customers wherein the customer would have to certify that he was not a law enforcement official or working in an undercover capacity.

OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, in the Western District of New York and elsewhere, one or

more of the defendants committed and caused to be committed one or more of the following overt acts, among others:

1. On or about October 15, 1980, the defendant, DAVID C. MADAY, did execute and forward an agreement to the defendants, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, wherein the defendant, DAVID C. MADAY, did, among other things, certify that he was not a police officer nor other undercover agent and wherein the defendant, DAVID C. MADAY, did request a catalog.

2-41. The defendant, DAVID C. MADAY, thereafter did mail order forms seeking certain obscene magazines and photographs from the defendants, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors. After receiving said order and payment, the defendants, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, then did mail the magazines and photographs to the defendant, DAVID C. MADAY, at his home at 5 Brittany Lane, Buffalo, New York 14222. Set out below is the list setting out the dates of order and the dates that the magazines and photographs were sent, each of said mailings constituting a separate overt act (set out as "OA" below):

<u>APPROXIMATE DATE ORDER SENT FROM MADAY</u>	<u>APPROXIMATE DATE ORDERS SENT TO MADAY</u>	<u>MAGAZINES OR PHOTOGRAPHS TITLES</u>
<u>OA2</u> 10/07/80	<u>OA3</u> 10/23/80	"New Cumers"
<u>OA4</u> 12/29/80	<u>OA5</u> 01/05/81	"Super Cocks" "Sweet Meat" "Cock Scene"
<u>OA6</u> 01/12/81	<u>OA7</u> 01/14/81	"Fresh Cock" "Lusty Boys" "Teen Bucks"
<u>OA8</u> 07/07/81	<u>OA9</u> 07/10/81	"Blueboy Discovery Steve" "Slick Cocks #2" "Sex Tool" "Teenage Boy" "Boner" "Tool Shop No. 2" "Eric 15-1G"
<u>OA10</u> 09/29/81	<u>OA11</u> 10/01/81	"House Calls" "Keyhole" "New Golden Boys No. 4" "Jeff 13-1C"
<u>OA12</u> 01/17/82	<u>OA13</u> 01/20/82	"Angelo 18-1F" "Scott 21-1B" "500 Hot Men" "Mouth Openers" "Tender Cocks" "Stud Time" "His Big Brother"
<u>OA14</u> 03/14/82	<u>OA15</u> 03/25/82	"Boys, Boys, Boys No. 3" "Boys From RMX" "Boy Plus Boy" "COD Boys" "Hard Boys" "Teen Baskets"
<u>OA16</u> 07/31/82	<u>OA17</u> 09/22/82	"Boys For Sale" "101 Boys No. 14" "Slick Cocks No. 1" "Lick Sticks" "Minority Report" "Sweet Cocks No. 2" "Hard Dicks" "Paul 25-1H"

<u>APPROXIMATE DATE ORDER SENT FROM MADAY</u>	<u>APPROXIMATE DATE ORDERS SENT TO MADAY</u>	<u>MAGAZINES OR PHOTOGRAPHS TITLES</u>
<u>OA18</u> 11/23/82	<u>OA19</u> 12/07/82	"200 Guys Giving Head" "Falcon File No. 11" "Boys From OBC"
<u>OA20</u> 01/03/83	<u>OA21</u> 01/05/83	"Gary 24-1F" "Trade No. 2" "Where The Boys Are" "200 Boys No. 8" "Skateboard"
<u>OA22</u> 07/16/83	<u>OA23</u> 08/10/83	"Bobby 31-1B" "Brother's Coming Out" "Young Meat" "Young And Hot"
<u>OA24</u> 11/12/83	<u>OA25</u> 11/14/83	"Gary Wilde" "Mr. Starr's" "Marc Knoll" "Cocky Guys" "Young Hung"
<u>OA26</u> 04/29/84	<u>OA27</u> 05/17/84	"Young Sexy Guys" "Tommy Wilde" "Eric 15-1B"
<u>OA28</u> 05/10/84	<u>OA29</u> 05/29/84	"Dirty Blonds" "Brothel" "Billy Matthews" "Jeff's Buddies" "Joysticks No. 2" "Humungous"
<u>OA30</u> 09/14/84	<u>OA31</u> 09/17/84	"C'est La Vie"
<u>OA32</u> 11/05/84	<u>OA33</u> 11/26/84	"Horseplay" "Frat Fuck Brothers"
<u>OA34</u> 11/24/84	<u>OA35</u> 12/11/84	"Cock Dreams, Album 1"
<u>OA36</u> 01/12/85	<u>OA37</u> 01/21/85	"Young Sport" "Tops & Throbbers" "Sex Studs No. 2" "Gary Wilde No. 2"

<u>APPROXIMATE DATE ORDER SENT FROM MADAY</u>	<u>APPROXIMATE DATE ORDERS SENT TO MADAY</u>	<u>MAGAZINES OR PHOTOGRAPHS TITLES</u>
<u>OA38</u> 07/31/85	<u>OA39</u> 09/19/85	"Pay Boys" "Built To The Hilt"
<u>OA40</u> 01/24/86	<u>OA41</u> 02/07/86	"Hard On" "Gang Bang"

42. The defendant, DAVID C. MADAY, on or about April 29, 1984, mailed an order to the defendants, DONALD SHERIN and MALE VIEWS, LTD., a/k/a M. V. Publications, a/k/a K & J Collectors, for photographs entitled "Eric 15-1B".

43. The defendants, DONALD SHERIN and MALE VIEWS, LTD a/k/a M. V. Publications, a/k/a K & J Collectors, on or about May 17, 1984, mailed for the purpose of sale obscene photographs of a child entitled "Eric 15-1B" to the defendant, DAVID C. MADAY, at 5 Brittany Lane, Buffalo, New York 14222, which was child pornography.

44. The defendant, DAVID C. MADAY, on or about November 24, 1984, mailed an order to the defendants, DONALD SHERIN and MALE VIEWS, LTD., a/k/a M. V. Publications, a/k/a K & J Collectors, for the magazine entitled "Cock Dreams (Album One)", which included child pornography.

45. The defendants, DONALD SHERIN and MALE VIEWS, LTD a/k/a M. V. Publications, a/k/a K & J Collectors, between November 24, 1984 and on or about December 11, 1984, mailed the magazine "Cock Dreams (Album One)" to the defendant, DAVID C. MADAY, at 5 Brittany Lane, Buffalo, New York 14222, which included child pornography.

46. The defendant, DAVID C. MADAY, on or about December 28, 1984, mailed an order to the defendants, DONALD SHERIN and MALE VIEWS, LTD., a/k/a M. V. Publications, a/k/a K & J Collectors, for the magazine entitled "Boys And Masturbation", which included child pornography.

47. The defendants, DONALD SHERIN and MALE VIEWS, LTD a/k/a M. V. Publications, a/k/a K & J Collectors, on or about January 10, 1985, mailed the magazine "Boys and Masturbation" to the defendant, DAVID C. MADAY, at 5 Brittany Lane, Buffalo, New York 14222, which included child pornography.

All in violation of Title 18, United States Code, Section 371.

COUNT II

The Grand Jury Further Charges That:

On or about November 14, 1983, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN

and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use and cause to be used the mails for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, obscene magazines entitled "Gary Wilde", "Mr. Starr's", "Marc Knoll", "Cocky Guys" and "Young Hung", of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT III

The Grand Jury Further Charges That:

On or about May 17, 1984, in the Western District of New York and elsewhere, the defendants, DONALD SHERIN, MALE VIEWS, LTD. a/k/a M.V. Publications a/k/a K & J Collectors, did knowingly mail for the purpose of sale or distribution for sale, obscene visual depictions, to wit, photographs entitled "Eric 15-1B", the producing of such visual depictions involves the use of a minor engaged in sexually explicit conduct and such visual depictions are of such conduct and the defendants had knowledge as to the nature and character of such visual depictions; all in violation of Title 18, United States Code, Sections 2252(a)(1) (prior to the May 21, 1984 Amendment).

COUNT IV

The Grand Jury Further Charges That:

On or about May 17, 1984, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, obscene magazines entitled "Young Sexy Guys", "Tommy Wilde" and obscene photographs entitled "Eric 15-1B" of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT V

The Grand Jury Further Charges That:

On or about May 29, 1984, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors,

did knowingly use the mails and cause to be delivered by mail according to the direction thereon or at the place at which it is directed to be delivered to the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, obscene magazines entitled "Dirty Blonds", "Brothel", "Billy Matthews", "Jeff's Buddies", "Joysticks No. 2" and "Humungous" of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT VI

The Grand Jury Further Charges That:

On or about September 17, 1984, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, an obscene magazine entitled "C'est La Vie" of which the defendants had knowledge as to the nature

and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT VII

The Grand Jury Further Charges That:

On or about November 26, 1984, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, obscene magazines entitled "Horse Play" and "Frat Fuck Brothers" of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT VIII

The Grand Jury Further Charges That:

Between November 24, 1984 and on or about December 11, 1984, in the Western District of New York and elsewhere, the defendants,

DONALD SHERIN, MALE VIEWS, LTD. a/k/a M.V. Publications a/k/a K & J Collectors, did knowingly mail visual depictions contained in a magazine entitled "Cock Dreams (Album One)", with knowledge that the producing of such visual depictions involves the use of a minor engaged in sexually explicit conduct and such visual depictions are of such conduct and the defendants had knowledge as to the nature and character of such visual depictions; all in violation of Title 18, United States Code, Sections 2252(a)(1) (as amended May 21, 1984).

COUNT IX

The Grand Jury Further Charges That:

Between November 24, 1984 and on or about December 11, 1984, in the Western District of New York and elsewhere, the defendant, DAVID C. MADAY, did knowingly receive visual depictions contained in a magazine entitled "Cock Dreams (Album One)", through the United States mail, the producing of such visual depictions involves the use of a minor engaged in sexually explicit conduct and said visual depictions are of such conduct and the defendants had knowledge as to the nature and character of such visual depictions ; all in violation of Title 18, United States Code, Sections 2252(a)(2) (as amended May 21, 1984).

COUNT X

The Grand Jury Further Charges That:

Between November 24, 1984 and on or about December 11, 1984, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, an obscene magazine entitled "Cock Dreams (Album One)" of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT XI

The Grand Jury Further Charges That:

On or about January 10, 1985, in the Western District of New York and elsewhere, the defendants, DONALD SHERIN, MALE VIEWS, LTD. a/k/a M.V. Publications a/k/a K & J Collectors, did knowingly

mail visual depictions contained in a magazine entitled "Boys And Masturbation", the producing of such visual depictions involves the use of minors engaged in sexually explicit conduct and such visual depictions are of such conduct and the defendants had knowledge as to the nature and character of such visual depictions ; all in violation of Title 18, United States Code, Sections 2252(a)(1) (as amended May 21, 1984).

COUNT XII

The Grand Jury Further Charges That:

On or about January 10, 1985, in the Western District of New York and elsewhere, the defendant, DAVID C. MADAY, did knowingly receive visual depictions contained in a magazine entitled "Boys And Masturbation", through the United States mail, the producing of such visual depictions involves the use of minors engaged in sexually explicit conduct and said visual depictions are of such conduct and the defendants had knowledge as to the nature and character of such visual depictions; all in violation of Title 18, United States Code, Sections 2252(a)(2) (as amended May 21, 1984).

COUNT XIII

The Grand Jury Further Charges That:

On or about January 10, 1985, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, an obscene magazine entitled "Boys and Masturbation" of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT XIV

The Grand Jury Further Charges That:

On or about January 21, 1985, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at

which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, obscene magazines entitled "Young Sport", "Tops & Throbbers", "Sex Studs No. 2" and "Gary Wilde No. 2" of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.

COUNT XV

The Grand Jury Further Charges That:

Between on or about July 31, 1985 and September 19, 1985, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, obscene magazines entitled "Pay Boys" and "Built To The Hilt" of which the defendants had knowledge as to the nature and character; all in

violation of Title 18, United States Code, Sections 1461 and 2.

COUNT XVI

The Grand Jury Further Charges That:

On or about February 7, 1986, in the Western District of New York and elsewhere, the defendants, DAVID C. MADAY, DONALD SHERIN and MALE VIEWS, LTD. a/k/a M. V. Publications, a/k/a K & J Collectors, did knowingly use the mails and cause to be delivered by mail according to the directions thereon or at the place at which it is directed to be delivered by the person to whom it is addressed, for the mailing, carriage in the mails and delivery of certain non-mailable matter, that is, a package containing obscene matters and things, that is, obscene magazines entitled "Hard-On" and "Gang Bang" of which the defendants had knowledge as to the nature and character; all in violation of Title 18, United States Code, Sections 1461 and 2.


DENNIS C. VACCO

United States Attorney

A TRUE BILL:


FOREPERSON

CR No. 88-145-E

FILED

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U.S. DISTRICT COURT
W.D.N.Y.-BUFFALO

UNITED STATES DISTRICT COURT

WESTERN District of NEW YORK

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THE UNITED STATES OF AMERICA

vs.
DAVID C. MADAY, DONALD SHERIN,

AND MALE VIEWS, LTD. a/k/a M. V. Publications
a/k/a K & J Collectors

THIRD SUPERSEDING INDICTMENT

A true Bill

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Filed in open court this

of day

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